

P. O. Box 1952 Longview, Texas 75606-1952 (903) 237-1000

July 22, 1999

EXPARTEORLATEFILED

Chairman William Kennard Federal Communications Commission 445 12th Street, SW Washington, D.C. 20554

Re: Ex Parte Filing in Cases WT 99-217; CC 96-98/

Dear Chairman Kennard:

Please do not adopt the rule proposed in these cases allowing any phone company to serve any tenant of a building and to place their antenna on the building roof.

In some states 70 or more new phone companies have been certificated to provide service. Add in the wireless phone companies and under your rule you may have 100 companies allowed to place their wires in a building, and their antennas on the roof-all without the landlord's permission.

The FCC lacks the authority to do this. It would violate basic property rights—a landlord, city or condominium has the right to control who comes on their property. Congress did not give the FCC the authority to condemn space for 100 phone companies in every building in the country.

The FCC cannot preempt state and local building codes, zoning ordinances, environmental legislation and other laws affecting antennas on roofs. Zoning and building codes are purely matters of state and local jurisdiction which under Federalism and the Tenth Amendment you may not preempt.

Finally, we are surprised that you suggest that the combined federal, state and local tax burden on new phone companies is too high. The FCC has no authority to affect state or local taxes any more than it can affect federal taxes.

For these reasons, please reject the proposed rule and take no action on rights-of-way and taxes.

Yours very truly,

CITY OF LONGVIEW

David L. McWhorter

Mayor

DM:cp 7B-28 cc:

Commissioner Harold Furchtgott-Roth Federal Communications Commission 445 12th Street SW Washington, DC 20554

Commissioner Michael Powell Federal Communications Commission 445 12th Street SW Washington, DC 20554

Commissioner Gloria Tristani Federal Communications Commission 445 12th Street SW Washington, DC 20554

Commissioner Susan Ness Federal Communications Commission 445 12th Street SW Washington, DC 20554

Ms. Magalie Roman Salas (two copies) Secretary Federal Communications Commission 445 12th Street SW Washington, DC 20554

Ms. Barrie Tabin
Legislative Counsel
National League of Cities
1301 Pennsylvania Ave., N.W.
6th Floor
Washington D.C. 20004

Mr. Robert Fogel
Associate Legislative Director
National Association of Counties
440 First Street, N.W.
8th Floor
Washington D.C. 20001

Mr. Jeffrey Steinberg Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street SW Washington D.C. 20554

Mr. Joel Tauenblatt Wireless Telecommunications Bureau Federal Communications Commission 445 12th Street SW Washington D.C. 20554

International Transcription Services 445 12th Street SW Room CY-B402 Washington D.C. 20554

Mr. Kevin McCarty Assistant Executive Director U.S. Conference of Mayors 1620 I Street Fourth Floor Washington D.C. 20006

Mr. Lee Ruck
Executive Director
NATOA
1650 Tysons Road
Suite 200
McLean, VA 22102-3915

Mr. Thomas Frost Vice President, Engineering Services BOCA International 4051 West Flossmoor Road Country Club Hills, IL 60478 Honorable Phil Gramm
U.S. Senate
370 Russell Senate Office Building
Washington, D.C. 20510

Honorable Kay Bailey Hutchison U.S. Senate 284 Russell Senate Office Building Washington, D.C. 20510

Honorable Ralph M. Hall House of Representatives 2221 Rayburn House Office Building Washington, D.C. 20515-4304

Honorable Max Sandlin House of Representatives 214 Cannon House Office Building Washington, D.C. 20515

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Ms. Magalie Roman Salas, Secretary Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

Re: Ex Parte Letter Regarding Cases WT 99-217; CC 96-98

Dear Secretary Salas:

Yours very truly,

CITY OF LONGVIEW

Larry W. Schen

City Attorney

LWS:cp Enclosures 7B-29

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